

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Private Aided Degree Colleges – Appeal petition filed by Sri A.Singaiah, former Secretary & Correspondent, VV&M Degree College, Ongole, Prakasam District against the Proceedings of the C.C.E., in Rc.No.791/Admn.III-1/2007, dated 17-4-2008 – Hearing on the appeal petition on 15-11-2008 – Orders – Issued.

HIGHER EDUCATION (CE.II-1) DEPARTMENT

G.O.Rt.No. 1185

Dated:19-12-2008.

Read the following:-

1. Procs. of the Commissioner of Collegiate Education A.P., Hyderabad, Rc.No.791/Admn.III-1/2007, dt.17.4.2008.
2. From the High Court of A.P., Hyd., order dated 3-7-08 in W.P. No.9909 of 2008.
3. Govt.Memo.No.11394/CE.II-1/2007-3, dated 22-7-2008.
4. From the C.C.E.,A.P., Hyd., Lr.Rc.No.791/Admn.III-1/07, dt. 29-7-08.
5. From the Counsel for the Appellant along with affidavit of Sri Abburi Singaiah, Secretary & Correspondent, VV&M Degree College, Ongole, Prakasam Dist., dated 30-7-2008.
6. Notice No.11394/CE.II-1/2007-6, dated 05-11-2008.

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O R D E R:-

Sri Abburi Singaiah, former Secretary & Correspondent, VV&M College Committee, filed W.P.No.17485/07 in the Hon'ble High Court of A.P., Hyderabad declaring the action of the second respondent (i.e., C.C.E.)in not approving the election to the petitioners college held on 22-7-2007 which was forwarded to the second respondent by letter dated 24-7-2007 as illegal and direct the respondent to approve the election held on 22-7-2007. The Hon'ble High Court of A.P., in its order dated 11-10-2007 while disposing the case among other things held that:-

"The writ petition is disposed of directing the 2nd respondent (i.e., C.C.E.) to expeditiously consider and dispose of the application of the management dated 24-07-2007, preferably within a period of six (6) weeks from the date of receipt of a copy of this order".

2. Sri Abburi Singaiah, filed C.C. No.133/2008 in the Hon'ble High Court for not implementing the above orders. The Hon'ble High Court vide its order dated 15-2-2008 has dismissed the C.C., as complied with.

3. The Commissioner of Collegiate Education A.P., Hyderabad in his Proc.Rc.No.791/Admn.III-1/2007, dated 17-4-2008 passed orders approving the Correspondent ship of V.V. & M. Degree College, Ongole, Prakasam District in favour of Sri Muddana Bhaskara Rao, U/s 24 of A.P. Education Act, 1982 and Rule 7 of grant-in-code, and directed Sri A.Singaiah former Secretary & Correspondent, VV&M College, Ongole, to handover the records of the college to Sri M.Bhaskara Rao with immediate effect.

4. Aggrieved by the above, Sri Aburi Singaiah, R/o Basavannapalem filed W.P.No.9909 of 2008 seeking directions declaring the impugned orders passed by the Commissioner of Collegiate Education A.P., Hyderabad in his Procs. Rc.No.791/Admn.III-1/2007, dated 17-4-2008, is illegal and set aside the same.

5. The Hon'ble High Court in its judgment dated 3-7-2008 in W.P.No9909 of 2008 while disposing the case at the admission stage among other things held that:-

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"Indisputably the order challenged in this writ petition is appealable under section 89 of A.P. Education Act, 1982. In that view of the matter, the petitioner is directed to avail the efficacious remedy available under section 89 of A.P. Education Act, 1982. The petitioner shall file the appeal before the concerned authority within two weeks and the concerned authority shall entertain the appeal and pass appropriate order in accordance with the provisions of A.P. Education Act, 1982. This order does not preclude the petitioner to work out any other remedies, if any available under law".

6. The Counsel for appellant has submitted the appeal petition along with the affidavit of Sri Abburi Singaiah, vide reference fifth read above aggrieved by the Proceedings of the Commissioner of Collegiate Education A.P., Hyderabad, dated 17-4-2008 in Rc.No.791/Admn.III-1/2007, wherein he has requested to stay the operation of the said proceedings, pending revision in the interest of justice and pass necessary orders.

7. Pursuant to the afore mentioned directions of Hon'ble High Court of A.P., Government has decided to hear the appeal petition. Accordingly, Government has issued notices to the concerned parties. The counsel for the appellant and respondents attended the hearing fixed on 20-10-2008 at 12.30 P.M. During the hearing, the appellant was requested to produce the authenticated list of members of the Managing Committee. Accordingly, the Counsel for the appellant requested 10 days time to file the authenticated list of Members of the managing Committee filed before the District Registrar of Assurances, who is the competent authority. The hearing was again fixed on 1-11-2008 at 12.00 Noon. The appellant sought further two weeks time. The hearing was finally adjourned to 15-11-2008 at 12.00. The concerned parties attended the hearing on the above date.

8. During the hearing, the counsel for the appellant has not submitted the authenticated list of Managing Committee as promised by him on 20-10-2008. However, he has submitted his arguments stating that Mr. A.Singaiah, former Correspondent issued a notice to the members of Managing Committee to attend the special Election meeting convened on 22-7-2007 at 4.00 PM, as his term of 5 years of Correspondent ship was to expire on 31-7-2007 and requested the Competent Authority to approve the Governing body of VV & M College Committee as constituted in the said meeting. The respondent Sri Muddana Bhaskara Rao, submitted his argument stating that he is the Founder Nominee of VV&M College Committee, Ongole and issued a notice inviting the members of the Managing Committee to a special meeting on 5-8-2007 and on the basis of resolution in the said meeting he has informed the results of Election to the Director of Collegiate Education, A.P., Hyderabad on 10-8-2007. He has also stated that he did not receive the notice of meeting dated 31-7-2007 convened by the appeal petitioner.

9. The matter has been examined keeping in view the provisions of A.P. Education Act/Rules in force, directions of the Hon'ble High Court of A.P., and the material papers and observed that the Hon'ble High Court's order is to decide the case in accordance with the provision of A.P. Education Act, 1982. In this case each side contests the legality of the meeting of the Managing Committee held by the other side. It is not possible for this Appellate Authority to decide the genuineness or legality of these meetings, nor is it within its official jurisdiction to do so. The A.P. Education Act, 1982 also does not confer any powers to the Competent Authority to examine the legality or otherwise of the meetings of the Managing Committee. It is open to the petitioner to approach any Civil Court of appropriate jurisdiction if he is aggrieved in this regard. Hence, there is no

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ground for interference with the impugned order of Commissioner of Collegiate Education, A.P., Hyderabad. Accordingly, the appeal is disallowed. Consequently, the orders issued by the Commissioner of Collegiate Education, A.P., Hyderabad vide his Proceedings first read above is upheld.

10. The Commissioner of Collegiate Education, A.P., Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Commissioner of Collegiate Education, A.P., Hyderabad.

The Regional Director of Collegiate Education, Guntur.

Sri A. Singaiah, Former Secretary & Correspondent, V.V. & M. Degree College, Ongole. Prakasam District.

Sri Muddana Bhaskar Rao, Secretary & Correspondent, VV&M Degree College, Ongole, Prakasam District.

Sri K.V.Bhanu Prasad, Advocate Flat No.201, Reliance Krishna Apartments, Beside Margadarshi & Kalanjali Show Room, Hill Fort Road, Hyderabad-500 004. The Government Pleader for Higher Education, High Court of A.P., Hyderabad.

P.S. to Principal Secretary (HE)

Sf/Sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER.